



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

MAY 02 2018

Ref: 8ENF-W-WO

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

T. Porter Trimble, President
FDL Operating, L.L.C.
909 Lake Carolyn Parkway, Suite 500
Irving, Texas 75039

Re: Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318(a)
NRC Report Nos. 1119018, 1145838, 1147684, 1152472, 1160839, 1162697, and 1201019

Dear Mr. Trimble:

The Environmental Protection Agency (EPA) is investigating the discharge of oil that occurred on or about January 3, 2018, at Section 35, Township 40N, Range 79W, in Natrona County, Wyoming. The report the EPA received indicated that crude oil and produced water was discharged from a pipeline owned and/or operated by FDL Operating, L.L.C. (FDL Operating). Additionally, the EPA has some follow-up questions to the November 17, 2017, FDL Operating's response to the September 13, 2017, Request for Information. The EPA also is requesting clarification on the storage capacity for the four facilities listed in the November 2017 Facility Response Plan. Pursuant to section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318, the EPA has the authority to request information pertinent to carrying out its responsibilities under the Act.

The EPA is requesting, pursuant to the above-referenced statutory authority, that you respond to the enclosed Request for Information (RFI) for the discharges. Please answer each question in the enclosure, including subparts of the questions. The RFI Statement of Certification must be signed by a duly authorized official of your company.

Although the information requested must be submitted to the EPA, you may be entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Section 309 of the CWA, 33 U.S.C. § 1319, provides for administrative and civil penalties of up to \$53,848 per day of violation for failure to comply with this RFI. Please be further advised that the submission of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This RFI is not subject to the approval requirements of the Paperwork Reduction Act, of 1980, as amended, 44 U.S.C. § 3501, et seq.

Your response to the RFI must be submitted within thirty (30) days of receipt of this letter to:

U. S. Environmental Protection Agency, Region 8
Donna K. Inman (8ENF-W-WO)
1595 Wynkoop Street
Denver, CO 80202-1129

Ms. Inman can assist you with any questions regarding this RFI; she may be reached at (303) 312-6201. When calling, please refer to your company's name and the NRC Report number(s). An electronic version of the RFI is available. Contact Ms. Inman at the number above or at inman.donnak@epa.gov for a copy. Inquiries of a legal nature should be directed to Marc Weiner at (303) 312-6913.

Sincerely,



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program

Sincerely,



Kenneth Champagne, Chief
OPA and Wetlands Enforcement Unit
Technical Enforcement Program

Enclosures

1. Request for Information
2. Instructions and Definitions
3. Statement of Certification Form

REQUEST FOR INFORMATION

This information is requested pursuant to section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318(a). This Request for Information (RFI) is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

Instructions: Instructions are included in the instructions portion of this RFI. Please refer to the definitions portion of this RFI for defined terms in this document.

1. Describe the Facility (e.g., flowline, gathering line, tank, well and/or tank battery, truck, etc.) from which the oil or other pollutant was discharged on or about January 3, 2018, at Section 35, Township 40N, Range 79W, in Natrona County, Wyoming (hereinafter referred to as "Facility").
 - a. Give the lease name and number.
 - b. Provide the API numbers and/or other numbers for all wells associated with the Facility.
 - c. Describe the operations and all business activities conducted at the Facility.
2. Identify the current owner and operator (and percentage ownership interest) of the Facility, and provide the current owner's Dun & Bradstreet number. Also, identify all owners and operators of the Facility for the last two years, and the parent corporation or other entity (if any) of the current owner and operator. If the current owner is not the original owner of the Facility, also state when the current owner purchased the Facility and identify the person from whom the Facility was purchased.
3. Provide the following information for the current owner and operator, the parent of the current owner and operator, and the owner and operator at the time of the discharge (if not the current owner or operator).
 - a. Type of business unit (e.g., corporation, partnership, LLC. etc.).
 - b. The date the business was incorporated or organized. The date the business first acquired ownership in or began operating the Facility.
 - c. The state where the business was first incorporated or organized, and the state where it is authorized to do business. Provide copies of all documents filed with the state where the business was incorporated or organized since the time of incorporation or organization until today, and all such documents filed with the State of Wyoming.
 - d. If the business is a corporation, identify all of its corporate officers. If the business is a limited liability company, identify all of its members and managing members/managers. If the business is a partnership, identify all of its limited and general partners.
 - e. If the owner and operator of the Facility are different, describe the relationship between them (i.e., employee, subcontractor, lessee, etc.). State when the current operator first began operating the Facility, and when the operator at the time of the discharge first began operating the Facility (if different than the current operator).
4. State the time and date of the discharge and how this was determined.
 - a. When was the discharge discovered (time and date)?

- b. Identify the individual who first discovered the discharge and how that individual discovered it.
 - c. Describe how long the discharge continued.
 - d. State the weather conditions, including temperature, precipitation, cloud cover, etc. during the discharge.
 - e. Provide all documents that relate in any way to your responses to this question and its subparts.
5. Describe the oil or other pollutant discharged, including the chemical name, formula, and specific gravity. If the discharge was a mixture, give the percentages of oil or other pollutant in the mixture or solution. Provide copies of the Safety Data Sheets, if available.
6. If the oil or other pollutant discharged is a hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(14), identify that hazardous substance.
7. Describe the quantity of each oil or other pollutant that was discharged, the quantity of each oil or other pollutant that entered or may have entered any water or its adjoining shorelines, and how those quantities were determined.
 - a. State the type, total capacity and purpose of the Facility, from which each pollutant was discharged.
 - b. Provide all documents that relate in any way to your determination of such quantities.
8. If the discharge was from a flowline or gathering line also indicate the size and daily throughput of that flowline or gathering line.
9. Provide details on the specific location of the discharge, including:
 - a. The latitude, longitude, datum, county and state;
 - b. The street address and city, if applicable; and
 - c. The township, range, quarter-sections and fractions for rural areas.
10. Describe the land status (i.e., fee, trust, tribal, federal, or allotted) of any lands impacted by the discharge if the discharge occurred within the exterior boundaries of an Indian reservation.
11. Provide copies of the analyses of any samples of the discharged oil or other pollutant collected and analyzed, and any other analyses that were conducted as part of the response to the discharge. Describe the locations from which the samples were collected including: latitude, longitude and datum; the date and time the samples were collected; and identify who collected the samples and the laboratory that conducted the analyses.
12. State if the oil or other pollutant discharged reached or threatened to reach any waterway or body of water (water) or a water's adjoining shoreline, or any drainage leading to that water, including any wetlands, marshes or sewers. If it did:

- a. Provide the name of that water and drainage leading to that water, and describe it, including its width and depth, flow, direction, and condition at time of discharge (*e.g.*, low, flooded, quiet, turbulent, and dry);
 - b. State each use of the water (*e.g.*, drinking, agriculture, ranching, recreation, commerce);
 - c. Describe the overland pathway(s) from the specific source within the Facility to the water and to any drainage connecting to that water, including distance, direction, and elevation. Provide diagrams and topographic or other maps;
 - d. State the quantity of oil or other pollutant that reached the water and how the amount was determined;
 - e. State the quantity of oil or other pollutant that did not reach the water and how that amount was determined;
 - f. Beginning from the point where the oil or other pollutant reached the water to its confluence with an interstate water or navigable-in-fact water, identify the name and stream status (*e.g.*, ephemeral, intermittent, perennial) of each stream segment between the point where the oil or other pollutant reached the water and that interstate or navigable-in-fact water;
 - g. Describe any film, sheen, discoloration, or iridescent appearance that the discharge caused on the surface of any water or adjoining shorelines. Identify each person making the observation;
 - h. Describe any sludge or emulsion deposited on the adjoining shorelines or beneath the surface of the water as a result of the discharge. Identify each person making the observation;
 - i. Indicate how long the discharged oil or other pollutant remained in or on the water, as well as on any adjoining shoreline; and
 - j. If you take the position that any water impacted by the discharge is not a “navigable water” as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7), explain the basis for this position.
13. Describe any damage as a result of the discharge and provide all documents that relate in any way to such damage:
- a. To animal life – provide the number and species of injured or dead fish, birds, animals, insects, etc.; and
 - b. To vegetation – describe how many feet, acres, or miles of land were affected, type of vegetation, crops, timber, forest, prairie grasses, scrub, etc.
14. List and describe any sensitive environments, wildlife habitats or refuges, endangered species, water wells, or drinking water intakes in the area. Describe the location and distance of each from the discharge.
15. Provide the date and time the flow of the discharge was diminished until the flow of the discharge was stopped.

- a. Describe the steps taken to control and clean up the discharge, including dates and times of each measure.
 - b. Describe the steps taken to mitigate any environmental damage.
 - c. State when the cleanup operations were considered complete and all oil or pollutant removed from any water and/or adjoining shoreline.
16. Was an agent (e.g., dispersant, bioremediation agent, surfactant) used? If it was, provide the following:
 - a. The name of agent applied;
 - b. The date and time each agent was applied;
 - c. The latitude, longitude and datum of each location where the agent was applied, and/or provide a map indicating the locations of all applications;
 - d. The method of application and amount of each agent applied;
 - e. The name of the person who applied the agent and his or her relationship to the owner and/or operator of the Facility; and
 - f. Was permission from a Federal On-Scene Coordinator (OSC) granted before the application of any agent? If so, identify the person who granted this permission, provide the date when it was granted, and provide documentation of permission being granted.
17. Describe the cause (e.g., equipment failure, operator error, inadequate procedures or maintenance, etc.) of the discharge.
 - a. Describe events leading up to the discharge, including:
 - 1) Describe the operations at the Facility at the time that any indication of a potential discharge was first detected;
 - 2) Describe the daily activities of the individuals working at the Facility prior to the discharge;
 - 3) Describe any procedures for when a discharge is suspected, and provide all documents regarding such procedures;
 - 4) Identify the persons who work at the Facility, and specifically identify those individuals who were working at the Facility during the 7-day period before the discharge was detected and the 48 hours after the discharge was detected.
 - b. Describe any measures taken or changes at the Facility to prevent any future discharges from the source of the discharge.
18. Describe all inspections or other investigations that were conducted at the Facility in the year before the discharge. Provide all documents that relate in any way to such inspections or investigations.
19. Describe all actions taken by anyone working for you or on your behalf, after there was any indication that there may have been a discharge or problem that could lead to a discharge, to stop the discharge. In your response:

- a. Describe each step taken by each individual from the time of the first indication that there was an issue with the Facility or any other indication that there might be a potential discharge from the Facility until the time the discharge was stopped;
 - b. Identify the persons involved and state their relationship to you;
 - c. State the date and time of each action or step taken by each person; and
 - d. Provide any documents prepared by those persons, or prepared with input from, or information supplied by, those persons, regarding such actions taken, including any logs that were generated from the time of the first indication that there was an issue with the Facility or any other indication that there might be a potential discharge from the Facility until the time when the discharge was stopped.
20. List the federal, state, tribal, and/or local agencies to which the discharge was reported. State the date and time of notification and identify the official contacted.
- a. For any notifications that were not provided immediately after the time you had knowledge of the discharge, describe why such notifications were delayed.
 - b. Identify all persons from federal, state, tribal, and/or local agencies, and those who were working for you, or on your behalf, who were present at or near the location of the discharge at the time of the discharge or during the response thereto, provide the dates they were present, and describe their responsibilities during the discharge or the response thereto.
 - c. Provide copies of all documents or reports prepared by federal, state, tribal, and/or local agencies regarding the discharge.
21. Describe any fines assessed in conjunction with the discharge by any governmental entity. Identify the agency, amount of the fines, and the dates assessed, and provide all documents related to such assessment.
22. Describe any previous discharges from the Facility within the last five years.
- a. State the type of all oil or other pollutant discharged, including the chemical name, formula, and specific gravity. If the material discharged was a mixture, specify the percentages of oil or other pollutant in the mixture or solution. Use this format:
- | <u>Date</u> | <u>Oil or pollutant</u> | <u>Source</u> | <u>Quantity</u> | <u>Waterway Affected/Threatened</u> | <u>Cause</u> |
|-------------|-------------------------|---------------|-----------------|-------------------------------------|--------------|
| | | | | | |
- b. Describe any measures, taken to prevent or mitigate future discharges from the Facility following the spills or discharges listed above, and provide all documents related to such measures.
23. State the total above ground oil storage capacity and the total underground oil storage capacity at the Facility. State capacity, not actual amounts stored at any one point in time.
24. Does the Facility have a SPCC Plan? If so, provide a copy of the current SPCC Plan and the SPCC Plan in place at the time of the discharge, if different. Include the entire SPCC plan.
25. If the Facility has also submitted a Facility Response Plan (FRP) to the EPA, provide the FRP number and the date it was submitted to the EPA.

26. List any applicable EPA, State, County or local governmental identification or permit numbers for the Facility (i.e., NPDES, RCRA, etc.), using the following format.

<u>Number</u>	<u>Facility/Unit Assigned To</u>	<u>Issuing Agency</u>	<u>Date Issued</u>
---------------	----------------------------------	-----------------------	--------------------

27. Provide any additional pertinent information, reports, photographs, etc. that you have related to the discharge and the Facility. Please submit color photographs, or color photocopies of photos. If you have any of the following documentation in your possession, submit copies.

- a. USGS topographic maps (of the Facility and of the discharge),
- b. Geographic Information System maps or data,
- c. Aerial photography, both current and historical,
- d. Hydrologic flow and fate or transport models,
- e. Wetland and stream functional models,
- f. Stream profiles and culvert sizes,
- g. Stream gauge data,
- h. Precipitation records.

28. Identify the persons who were consulted regarding the response to this RFI and provide their relationships to the owner or operator of the Facility.

REQUEST FOR INFORMATION

This information is requested pursuant to section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318(a). This Request for Information (RFI) is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

Instructions: Instructions are included in the instructions portion of this RFI. Please refer to the definitions portion of this RFI for defined terms in this document.

1. Regarding the discharge associated with NRC # 1119018:
 - a) Lat/long does not agree with S/T/R or waterway impacted. Provide the correct location of the discharge.
 - b) FDL Operating's November 17, 2017, response to question 11(d) states 3 barrels of crude oil reached water, how much crude oil was actually released from the failed check valve?
 - c) FDL Operating's November 17, 2017, response states, "Discharge occurred adjacent to Plant #6, which was mothballed at the time." Why was there still oil in the piping?
 - d) Provide the SPCC Plan for this facility.
2. The discharge associated with NRC # 1145838 was from a 4" flowline from a shut-in well 21WC1NW35 to header building.
 - a) How was no oil released?
 - b) The discharge associated was from a 4" flowline from a well to header building. Wells and flowlines are part of a tank battery. Provide the SPCC Plan for this facility.
3. The discharge associated with NRC # 1147684 was from a 3" flowline from an oil well to a tank battery.
 - a) This is an oil well, how was no oil released?
 - b) The discharge was from a 3" flowline from a well to a tank battery. Wells and flowlines are part of a tank battery. Provide the SPCC Plan for the tank battery associated with this well.
4. The discharge associated with NRC # 1152472 was from a 4" production flowline from an oil well to a tank battery.
 - a) This is an oil well, how was no oil released?
 - b) The discharge was from a 4" flowline from a well to a tank battery. Wells and flowlines are part of a tank battery. Provide the SPCC Plan for the tank battery associated with this well.
5. Describe any investigations to determine the source of the seep associated with NRC #1160839?
6. Describe any investigations to determine the source of the seep associated with NRC #1162697?
7. Has Part A of the SPCC Plan been updated since February 1, 2016. If yes, provide an updated copy of Part A of the SPCC Plan.

8. Provide a copy of Appendices A and B of the oil spill contingency plan.
9. Provide the correct storage amount for the four facilities listed in the November 2017 FRP Plan?

LACT 4	LACT 5	LACT 10	LACT 11	Source of information
1,219,135	1,005,673	1,034,066	743,642	March 2017 ERAP
1,227,535	1,005,948	1,323,286	743,752	Nov 2017 FRP Tank Tables
841,260	1,140,846	1,312,752	1,160,124	Nov 2017 FRP Cover Pages
	1,089,471	1,323,340	743,862	2016 SPCC for LACT 5 and 11 2017 SPCC for LACT 10

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Printed Name

Title and Name of Company